S.B.CRIMINAL MISC. BAIL APPLICATION NO.3829/06

Date : 07.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Ramesh Purohit for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in the year 1970 plot in question was purchased by the applicant from Mohan Lal and subsequently one person claiming himself to be partner of Mohan Lal has sold 20 feet x 80 feet part of the disputed plot to Suresh Vyas on the basis of some photstat copy of the patta of the plot. According to learned counsel as far as the present applicant is concerned he is bonafide purchaser that too 36 years ago. He submits that the applicant is having valid registry in his name of the said plot and he is ready to co-operate in investigation.

On the other hand, learned Public Prosecutor has not disputed this fact of the matter that the plot in question was purchased by the applicant long back in the year 1970

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Radhe Shyam son of Kanhaiya Lal Dudani by I.O./S.H.O. in FIR No.374/2006 P.S. Pratapnagar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

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